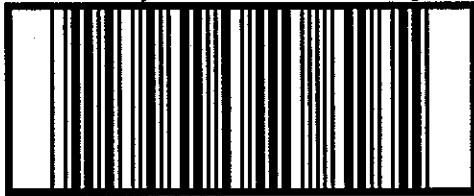


Secretary of State - Rules and Regs



Document #: 10230

Date Filed: 9/5/1973

Dept, Agency, Comm: Agriculture, Department of

Title: 27

Book: NAC

Chapter: 1

Section:

Subject Matter: Registration - Servicemen & Agency-
Weights & Measure

Effective Date: 9/10/1973

Amendment Date:

TITLE 27 - DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS
AND MEASURES

Chapter 1 - Voluntary Registration of Servicemen and Service Agencies for
Commercial Weighing and Measuring Devices

001 Policy. It shall be the policy of the Director of Agriculture to accept voluntary registration of individuals and agencies that provide acceptable evidence that they are fully qualified to install, service, repair, or recondition a commercial weighing or measuring device, have a thorough working knowledge of all appropriate weights and measures laws, orders, rules, and regulations and have possession of, or available for use, weights and measures standards and testing equipment appropriate in design and adequate in amount. This policy shall in no way preclude or limit the right and privilege of any qualified individual or agency not registered with the Director to install, service, repair, or recondition a commercial weighing or measuring device.

002 Definitions.

002.01 Director shall mean the Director of Agriculture.

002.02 Registered serviceman shall mean any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device, and who voluntarily registers himself as such with the Director.

002.03 Registered service agency shall mean any agency, firm, partnership, company, or corporation which, for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device, and which voluntarily registers itself as such with the Director. Under agency registration, identification of individual servicemen shall be required.

002.04 Individual serviceman shall mean a serviceman working for a service agency who is identified on the agency's application for registration and whose competence has been certified to by such agency.

TITLE 27
Chapter 1

002.05 The term commercial weighing and measuring device shall be construed to include any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure, and shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device.

003 Reciprocity. The Director may enter into an informal reciprocal agreement with any other State or States that has or have similar voluntary registration policies. Under such agreement, the registered servicemen and the registered service agencies of the States party to the reciprocal agreement are granted full reciprocal authority, including reciprocal recognition of certification of standards and testing equipment, in all States party to such agreement.

004 Voluntary Registration. A serviceman or service agency may apply for voluntary registration to service weighing devices or measuring devices on an application form supplied by the Director. Said form, duly signed and verified, shall include certification by the applicant that:

004.01 The serviceman or individual servicemen working for a registered service agency are fully qualified to install, service, repair, or recondition whatever devices for the service of which competence is being registered,

004.02 The serviceman or service agency has in possession, or available for use, all necessary testing equipment and standards, and

004.03 The serviceman or individual servicemen working for a registered service agency have full knowledge of all appropriate weights and measures laws, orders, rules, and regulations. An applicant also shall submit appropriate evidence or references as to qualifications.

005 Registration Fee. Each registered serviceman and registered service agency shall pay to the Director an annual registration fee to cover the costs of administering the plan. The fee for each registered serviceman shall be forty-five dollars (\$45.00). The fee for each registered service agency shall be an amount equal to forty-five dollars (\$45.00) per individual serviceman working for such agency. (For example: 4 individual serviceman x \$45.00 = \$180.00). Whenever a registered service agency acquires additional individual servicemen after having paid the annual fee, such agency shall, at the time of acquiring the additional servicemen, pay to the Director a pro-rata share of the annual fee for each new serviceman based on the number of months remaining until the time the next annual fee is due. The pro-rata fee for each individual serviceman shall be \$3.75 per month. In the case of replacement personnel, no additional fee shall be required.

TITLE 27
Chapter 1

006 Certificate of Registration. Upon receipt and acceptance of a properly executed application form, and initial examination and certification of standards and testing equipment to be used, the Director shall, after having received the applicant's annual registration fee, issue to the applicant a Certificate of Registration, including an assigned registration number, which shall remain effective until either returned by the applicant or withdrawn by the Director. Under agency registration, each individual serviceman shall be issued a Certificate of Registration.

007 Privileges of a Voluntary Registrant. A bearer of a Certificate of Registration shall have the authority to remove an official rejection tag or mark placed on a weighing or measuring device by the authority of the Director; place in service, until such time as an official examination can be made, a weighing or measuring device that has been officially rejected; and place in service, until such time as an official examination can be made, a new or used weighing or measuring device. All work on weighing and measuring devices restored to service or placed in service shall be performed by or under the direct supervision of a bearer of a certificate of registration.

008 Responsibilities of Voluntary Registrant. It shall be the responsibility of the bearer of a Certificate of Registration to comply with the provisions of National Bureau of Standards Handbook 44, and the Examination Procedure Outlines (E.P.O.'s) published by the National Bureau of Standards.

009 Placed in Service Report. The Director shall furnish each registered serviceman and registered service agency with a supply of report forms to be known as placed in Service Reports. Such a form shall be executed in triplicate, shall include the assigned registration number, and shall be signed by a registered serviceman or by an individual serviceman representing a registered agency for each rejected device restored to service and for each newly installed device placed in service. Within 24 hours after a device is restored to service, or placed in service, the original of the properly executed Placed in Service Report, together with any official rejection tag removed from the device, shall be mailed to the Director at the Department of Agriculture, Division of Weights and Measures, P.O. Box 4695, State House, Lincoln, Nebraska, 68509. The duplicate copy of the report shall be handed to the owner or operator of the device, and the triplicate copy of the report shall be retained by the registered serviceman or agency.

010 Standards and Testing Equipment. A registered serviceman and a registered service agency shall submit to the Weights and Measures Laboratory in Lincoln, upon initial application for voluntary registration and at least annually thereafter, for its examination and certification, any standards and testing equipment that are used or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. The cost of such inspection and certification shall be paid by the registrant in an amount based upon the Standards Laboratory Fee Schedule contained in the rules and regulations of the Department. A registered serviceman or agency shall not use, in servicing commercial weighing or measuring devices, any standards or testing equipment that have not been certified by the Director.

TITLE 27
Chapter 1

011 Publication of Lists of Approved Standards and Testing Equipment. The Director shall publish from time to time as he deems appropriate, and may supply upon request, information concerning standards and testing equipment acceptable for use by registered servicemen and registered service agencies.

012 Revocation of Certificate of Registration. The Director may, for good cause, after careful investigation and consideration, suspend or revoke a Certificate of Registration.

013 Publication of Lists of Registered Servicemen and Registered Service Agencies. The Director may publish, from time to time as he deems appropriate, and may supply upon request, lists of registered servicemen and registered service agencies.

014 Effective Date. This regulation shall become effective on January 1, 1974.

015 Annotation. Neb. Rev Stat . §§ 89-183 to 89-1,103.